

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Jenal Engineering Corporation
7959 Lemon Grove Way,
Lemon Grove, CA 91945

EPA ID No. CAL000262043

Respondent.

Docket Number TFIS03-06-940508

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Jenal Engineering Corporation (Respondent).

1.2. Site. Respondent handles and stores hazardous waste at the following site:
7959 Lemon Grove Way, Lemon Grove, CA 91945 (Site).

1.3 Permit/Interim Status. The Respondent has a hazardous waste transporter registration to manage hazardous waste, No. 5002 that was originally issued on November 14, 2002.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1 The Respondent violated Health and Safety Code section 25163 (a) (1) in that between March 14, 2000, and on or about February 28, 2002 Respondent transported hazardous waste on at least 132 manifests without a registration issued by the Department. A list of hazardous waste manifests identifying the hazardous waste loads is attached hereto as Exhibit 1.

2.2 The Respondent violated Health and Safety Code section 25201 (a) and California Code of Regulations, title 22, section 66270.1 (c) in that between November 22, 2002 and December 19, 2003 Respondent operated a hazardous waste transfer and storage facility without authorization by the Department. Respondent stored approximately 147 manifested shipments of hazardous waste for a duration of approximately 368 days or less, depending on the various generator shipment dates as set forth in the manifests. A list of hazardous waste manifests identifying the hazardous waste shipments is attached hereto as Exhibit 2.

2.3 The Respondent violated Health and Safety Code section 25160(d) and California Code of Regulations, Title 22, section 66263.20(d) in that between March 14, 2000, and February 28, 2002, Respondent transported at least 132 loads of hazardous waste from the generator location to the Site without manifests. A list of hazardous waste manifests identifying the hazardous waste loads is attached hereto as Exhibit 1.

2.4 The Respondent violated California Code of Regulations, Title 22, section 66263.20(b) in that between March 14, 2000, and February 28, 2002, Respondent

transported at least 132 loads of hazardous waste without returning a signed copy of the manifest to the generator and without completing, signing and dating the “Transporter of Waste” section of the manifest prior to removing the waste from the generators’ facilities. A list of hazardous waste manifests identifying the hazardous waste loads is attached hereto as Exhibit 1.

2.5. The Respondent violated Health and Safety Code section 25185.6 in that on or about August 14, 2006, Respondent failed to furnish and transmit to the Department previously requested documentation of insurance coverage or other ability to respond in damages as required by Health and Safety Code section 25169.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Immediately upon receipt of this Order and continuously thereafter, Respondent shall cease holding any hazardous waste at the Site of Jenal Engineering longer than six days as is required by the California Code of Regulations Title 22 sections 66263.18. Respondent shall ship all hazardous waste at the Site with a registered hazardous waste transporter to an authorized hazardous waste storage, treatment, or disposal facility in compliance with chapters 12 and 13 of the California Code of Regulations, Title 22.

3.1.2. Immediately upon receipt of this Order and continuously thereafter, Respondent shall not transport hazardous waste without registration issued by the Department.

3.1.3. Immediately upon receipt of this Order and continuously thereafter,

Respondent shall not transport hazardous waste without liability insurance as required by Health and Safety Code section 25169.

3.1.4. Immediately upon receipt of this Order and continuously thereafter, Respondent shall not transport hazardous waste without completing the Transporter of Waste section of the hazardous waste manifest and leaving copies with the generator in compliance with California Code of Regulations, title 22, section 66263.20(b).

3.2. Submittals. All submittals from Respondent pursuant to this Order shall be sent to:

Mr. Phillip Blum, Unit Chief
Task Force Investigations Support Branch
Department of Toxic Substances Control
1011 N. Grandview Ave.
Glendale, CA 91201

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.5. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance

with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the Site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.6. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.7. Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order.

3.8. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.9. Extension Request: If Respondent is unable to perform any activity or

submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.10. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

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PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$116, 780 Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case.

Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Phillip Blum, Unit Chief
Task Force Investigations Support Branch
Department of Toxic Substances Control
1011 N. Grandview Ave.
Glendale, CA 91201

RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

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EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance: March 27, 2007 _____

Original signed by Stephen Sterling
Mr. Stephen Sterling, Branch Chief
Task Force Investigations Support Branch
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

This Enforcement Order does not include all attachments from the original document.
If you need copies of a specific attachment, please contact the DTSC project manager.